IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.31985 of 2008
SADHU YADAV
Son of Ramdeo Yadav, resident of village – Mishir Bigha, P. S. – Parasbigha,
District – Jehanabad.
Versus
THE STATE OF BIHAR
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3 21.10.2008 Heard learned counsel for the petitioner and learned counsel for the State.

The case is under Sections 147, 148, 149, 376, 323, 324, 307, 379 and 504 of the Indian Penal Code and Section 27 of the Arms Act. The case is that while prosecutrix was sleeping in the hut with her relations 3-4 persons entered into the hut and tried to take her away forcibly. When the other inmates woke up and tried to protest, they were fired upon and assaulted ensuing injuries to them. Thereafter the prosecutrix was taken at some distance forcibly and was ganged raped by many persons. The prosecutrix was let off and she came back. Police received information and came to the place of occurrence soon thereafter and recorded her statement prosecutrix in which she named this petitioner as one of the persons who had forcibly taken her away and had rapped her.

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Considering the fact that this petitioner has been specifically named in the FIR and there is prompt reporting of the case by the prosecutrix to the police, I am not inclined to allow the application of the bail of the petitioner. The application is accordingly dismissed.

It is submitted that the petitioner is in custody since 9.05.2007.In the circumstances the court below is directed to expedite the trial of the case and make all endavours to complete the trial

within six months. In case the prosecution does not take prompt steps for conclusion of the trial and the trial is not delayed on account of the accused persons, the petitioner shall be at liberty to move again for bail after six months.

Since the petitioner is in custody since long, if necessary, the trial court shall bifurcate the case of the petitioner and proceed with the trial to conclude the same within six months.

Kundan **(J. N. Singh, J.)**

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